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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/769,121	01/24/2001	Preston H. Abbott	17243-00020	5556

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EXAMINER
SUBRAMANIAN, NARAYANSWAMY

ART UNIT	PAPER NUMBER
3695	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	09/769,121	ABBOTT ET AL.
	Examiner	Art Unit	
	Narayanswamy Subramanian	3695	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>31 October 2008</u>.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>27-52</u> is/are pending in the application.
   4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) <u>27-52</u> is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on <u>24 January 2001</u> is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a) ☐ All b) ☐ Some * c) ☐ None of:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. _____.
    3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

U.S. Patent and Trademark Office
PTOL-326 (Rev. 08-06)   **Office Action Summary**   Part of Paper No./Mail Date 20090315

DETAILED ACTION

1.   This office action is in response to applicants' communication filed on October 2, 2008.

Amendments to the claims have not been entered as discussed below. Claims 27-52 are currently

pending and have been examined. The objections to the drawings and specification, rejections

and response to arguments are stated below.

Drawings

2.   The drawings submitted with this application are objected to by the examiner.

Specifically figures 1-2 are informal drawings, which are acceptable for examination purposes

only. Many parts of figure 2 are not legible. Formal drawings will be required when the

application is allowed.

Specification

3.   The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of
> making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to
> which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth
> the best mode contemplated by the inventor of carrying out his invention.

4.   The specification is objected to under 35 U.S.C. § 112, first paragraph, as failing to support

the subject matter set forth in the claims. The specification, as originally filed does not provide

support for the invention as now claimed.

    The test to be applied under the written description portion of 35 U.S.C. § 112, first

paragraph, is whether the disclosure of the application as originally filed reasonably conveys to

the artisan that the inventor had possession at that time of later claimed subject matter. *Vas-Cat,*

 Inc. v. Mahurkar, 935 F. 2d 1555, 1565, 19 USPQ2d 111, 1118 (Fed. Cir. 1991), reh'rg denied

 (.Fed. Cir. July 8, 1991) and reh'rg, en banc, denied (Fed. Cir. July 29, 1991).

Claims 27-52 include the limitations "a plurality of remote computers including <u>a</u> <u>computer associated with the financing subsidiary, a computer associated with the trading</u> <u>subsidiary</u>, a computer associated with a seller of goods and a computer associated with a buyer of goods; <u>a server having a data storage medium connected through a network to the financing</u> <u>subsidiary computer, the trading subsidiary computer</u>, the seller computer and the buyer computer, the server configured to: <u>receive first approval data from the trading subsidiary</u> <u>computer indicating a user associated with the trading subsidiary has approved a seller and a</u> <u>buyer for participation within the system</u>; store within the server a seller participation agreement for the seller approved by the trading subsidiary, and a buyer participation agreement for the buyer approved by the trading subsidiary; receive an order submitted through the buyer computer from the buyer for purchasing a good offered for sale by the seller, the buyer agreeing to pay the trading subsidiary for the ordered good pursuant to the buyer participation agreement stored within the server; receive assignment data from the seller computer indicating the seller has assigned all rights in the ordered good to the trading subsidiary pursuant to the seller participation agreement stored within the server, the trading subsidiary pays the seller for the ordered good and requests that the seller ship the ordered good to the buyer pursuant to the seller participation agreement; <u>receive sell data from the trading subsidiary computer indicating the</u> <u>trading subsidiary has sold accounts receivable relating to the purchasing of the ordered good by</u> <u>the buyer</u>; and <u>receive purchase data from the financing subsidiary computer indicating the</u> <u>financing subsidiary has purchased from the trading subsidiary the accounts receivable to</u> <u>provide financing to the trading subsidiary for the sale of additional goods</u>" (emphasis added). However, the specification does not provide a written description disclosure to support the

claimed limitations emphasized above. In fact there is no mention of a financing subsidiary

computer or a trading subsidiary computer in the specification as originally filed. The only

reference, in the specification, to computers other than the server are those associated with

buyers and sellers of goods and commodities.

Claim Rejections - 35 USC § 112

5.   The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making
> and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it
> pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode
> contemplated by the inventor of carrying out his invention.

6.   Claims 27-52 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with

the written description requirement. The claim(s) contains subject matter which was not

described in the specification in such a way as to reasonably convey to one skilled in the relevant

art that the inventor(s), at the time the application was filed, had possession of the claimed

invention. In particular there is no support in the specification for the following limitations in

claim 50. "a plurality of remote computers including a computer associated with the financing

subsidiary, a computer associated with the trading subsidiary, a computer associated with a seller

of goods and a computer associated with a buyer of goods;" "a server coupled to the database,

the server having a data storage medium connected through a network to the financing subsidiary

computer, the trading subsidiary computer, the seller computer and the buyer computer";

"receive first approval data from the trading subsidiary computer indicating a user associated

with the trading subsidiary has approved a seller and a buyer for participation within the system;

receive assignment data from the seller computer indicating the seller has assigned all rights in

the ordered good to the trading subsidiary pursuant to the seller participation agreement stored

<u>within the server</u>, the trading subsidiary pays the seller for the ordered good and requests that the

seller ship the ordered good to the buyer pursuant to the seller participation agreement; <u>receive</u>

<u>sell data from the trading subsidiary computer indicating the trading subsidiary has sold accounts</u>

<u>receivable relating to the purchasing of the ordered good by the buyer</u>; and <u>receive purchase data</u>

<u>from the financing subsidiary computer indicating the financing subsidiary has purchased from</u>

<u>the trading subsidiary the accounts receivable to provide financing to the trading subsidiary for</u>

<u>the sale of additional goods</u>". In fact there is no mention of a financing subsidiary computer or a

trading subsidiary computer in the specification as originally filed. The only reference, in the

specification, to computers other than the server are those associated with buyers and sellers of

goods and commodities. Similarly there is no support in the specification for the amended

limitations in claim 51. Claims 27-49 and 52 are rejected by way of dependency on a rejected

claim.

       The art rejections given below are interpreted in light of the 35 USC 112 rejections

discussed above.

Claim Rejections - 35 USC § 103

7.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

8.   Claims 27-52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Purcell (US

Patent 5,940,807).

Claim 50, Purcell teaches a system comprising: a plurality of remote computers including

a computer associated with the financing subsidiary, a computer associated with the trading

subsidiary, a computer associated with a seller of goods and a computer associated with a buyer

of goods (See Figure 1, Column 1 lines 35-45, Column 3 line 51 – Column 4 line 5, the buyer

and seller computers are interpreted to include computers associated with various subsidiaries); a

server having a data storage medium connected through a network to the financing subsidiary

computer, the trading subsidiary computer, the seller computer and the buyer computer (See

Figure 1), the server configured to: store within the server a seller participation agreement for the

seller approved by the trading subsidiary, and a buyer participation agreement for the buyer

approved by the trading subsidiary stored within the server(See Figure 1, Column 1 lines 35-45,

Column 3 line 51 – Column 4 line 5, the written documentation for placing and filling orders is

interpreted to include these agreements); receive an order submitted through the buyer computer

from the buyer for purchasing a good offered for sale by the seller (See Column 4 lines 5-65);

and prompt a user to perform various functions entered by the user (See Column 38 line 56 –

Column 9 line 21). Purcell does not explicitly teach the other features of receive first approval

data from the trading subsidiary computer indicating a user associated with the trading subsidiary

has approved a seller and a buyer for participation within the system; receive assignment data

from the seller computer indicating the seller has assigned all rights in the ordered good to the

trading subsidiary pursuant to the seller participation agreement stored within the server , the

trading subsidiary pays the seller for the ordered good and requests that the seller ship the

ordered good to the buyer pursuant to the seller participation agreement; receive sell data from

the trading subsidiary computer indicating the trading subsidiary has sold accounts receivable

relating to the purchasing of the ordered good by the buyer; and receive purchase data from the

financing subsidiary computer indicating the financing subsidiary has purchased from the trading

subsidiary the accounts receivable to provide financing to the trading subsidiary for the sale of

additional goods. However these features are not given patentable weight in view of 35 U.S.C. §

112, first paragraph rejections discussed above.

Claims 47-49, Purcell teaches the features wherein the server is further configured to

allow a user to input data via the Internet (See Column 4 lines 40-46); to receive user data via an

Intranet (old and well known) and network is one of a wide area network and a local area

network (See Column 4 lines 40-46, Internet is an example of WAN).

Claims 27-29, Purcell does not explicitly teach the features in these claims. Official

notice is taken that these features are old and well known in the art. For instance GM has GMAC

for financing and another sub-division for sales. These features provide for a smooth and

efficient means for completing the transaction.

Claims 30-46 and 51-52, Purcell teaches the feature of the server further configured to

accept input from sellers or buyers (See Column 6 line 52- Column 7 line 35). The limitations

such as "a seller agreeing to assign all rights in a shipment to the trading subsidiary" or "buyers

agreeing to pay the purchase price to the trading subsidiary for orders within an agreed upon time

period by a method and at a place previously agreed to" are interpreted as non-functional

descriptive material because they describe the buyers and sellers. These limitations have no

bearing on the server configuration to accept input from sellers or buyers.

Response to Arguments

9.   In response to Applicant's arguments "With respect to independent Claim 50 and the

recitation, "a server having a data storage medium connected through a network to the financing

subsidiary computer, the trading subsidiary computer, the seller computer and the buyer

computer," paragraphs 9 and 10 of the originally filed specification provide in relevant part as

follows: Server 12 is configured to aid in implementing a business model, described below, and

includes web pages through which buyers and sellers of goods or commodities can access to buy,

sell or bid on those goods and commodities. The web pages stored in server computer 12 can be

accessed by a requester at any one of computers 14. In one embodiment, server 12 is coupled to

computers 14 via a WAN or LAN. A user may dial- in or directly login to an Intranet or the

Internet to gain access to server 12. The interface allows a user to input data relating to the

buying and selling of goods and commodities which are uploaded to server 12. ....The

business model shown in Figure 2 includes a capital company 32 which supplies capital to the

business venture, a buyer 34 of the receivables and a seller 36 of the receivables. (Emphasis

added)", the Examiner respectfully disagrees. First of all there is no support in the specification

as originally filed (in the paragraphs 9-10 cited by the Applicant) for the limitations of "a

plurality of remote computers including <u>a computer associated with the financing subsidiary, a</u>

<u>computer associated with the trading subsidiary</u>, a computer associated with a seller of goods and

a computer associated with a buyer of goods". There is also no mention of "a computer

associated with the trading subsidiary, a computer associated with a seller of goods" in the

specification as originally filed. The only mention, in the specification, is the interface for the

buyers and sellers of goods and commodities to enter data. The examiner interprets this

statement to imply a buyer computer and a seller computer. Further in response to Applicant's

assertion "Applicants further submit that one skilled in the art would understand that the parties

described in business model (20), namely parent company (22), finance subsidiary (24), trading

subsidiary (26), capital company (32), a buyer (34) of the receivables, and a seller (36) of the

receivables, would use computer network (10) to buy, sell or bid on goods and commodities as

described in Figure 2", the examiner respectfully disagrees. There is no computer network

described in figure 2 for the Applicants to make this assertion. Figure 2 merely describes the

flow of information from one entity to another. Unless explicitly described in the specification

one of ordinary skill in the art would interpret this to include manual means of communication

also.

Similarly in response to Applicant's arguments "receive first approval data from the

trading subsidiary computer indicating a user associated with the trading subsidiary has approved

a seller and a buyer for participation within the system", paragraph 11 describes that the trading

subsidiary has to approve the buyer for participation in the program. Paragraph 12 describes that

the trading subsidiary agrees to pay the seller according to standard terms of sale to approved

buyer. ….the originally filed specification", the Examiner respectfully disagrees. There is no

description of trading subsidiary computer in the specification much less the limitation of "the

trading subsidiary computer indicating a user associated with the trading subsidiary has approved

a seller and a buyer for participation within the system". Hence the Applicant has failed to point

out where in the specification there is support of the limitation in question.

Similarly the Applicant's other arguments with respect to limitations "receive sell data

from the trading subsidiary computer indicating the trading subsidiary has sold accounts

receivable relating to the purchasing of the ordered good by the buyer" and "receive purchase

data from the financing subsidiary computer indicating the financing subsidiary has purchased

from the trading subsidiary the accounts receivable to provide financing to the trading subsidiary

for the sale of additional goods" are not persuasive. Hence the rejections made by the Examiner

in the last office action are maintained.

Applicant's other arguments with respect to pending claims have been considered but are

not persuasive.

Conclusion

10.   Applicant's amendment necessitated the new ground(s) of rejection presented in this

Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the date of this

final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Narayanswamy Subramanian whose telephone number is (571)

272-6751. The examiner can normally be reached Monday-Thursday from 8:30 AM to 7:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor,

Charles R. Kyle can be reached at (571) 272-6746. The fax number for Formal or Official faxes

and Draft to the Patent Office is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PMR or Public PAIR. Status information for unpublished

applications is available through Private PMR only. For more information about the PMR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Narayanswamy Subramanian/
Primary Examiner
Art Unit 3695

March 15, 2009